

Senate Study Bill 1003

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to highway, aviation, and motor vehicle
2 transportation, including regulation of junkyards along
3 highways and placement of political signs, elimination of the
4 aviation hangar revolving loan fund, fees charged for driver's
5 licenses and nonoperator's identification cards, and
6 exemptions for certain motor vehicle operators from motor
7 carrier safety rules and hazardous materials transportation
8 regulations.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10 TLSB 1104DP 80
11 dea/cf/24

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1 1 DIVISION I
1 2 HIGHWAYS
1 3 Section 1. Section 306C.1, subsection 5, Code 2003, is
1 4 amended by striking the subsection.
1 5 Sec. 2. Section 306C.2, unnumbered paragraph 1, Code 2003,
1 6 is amended to read as follows:
1 7 A person shall not establish, operate, or maintain a
1 8 junkyard, any portion of which is within one thousand feet of
1 9 the nearest edge of the right of way of any interstate ~~or~~
1 10 ~~primary~~ highway, except:
1 11 Sec. 3. Section 306C.3, Code 2003, is amended to read as
1 12 follows:
1 13 306C.3 JUNKYARDS LAWFULLY IN EXISTENCE.
1 14 Any junkyard located outside a zoned or unzoned industrial
1 15 area lawfully in existence on July 1, 1972, which is within
1 16 one thousand feet of the nearest edge of the right of way and
1 17 visible from the main-traveled portion of any highway on the
1 18 interstate ~~or primary~~ system shall be screened, if feasible,
1 19 by the department, or by the owner under rules and direction
1 20 of the department, at locations on the highway right of way or
1 21 in areas acquired for such purposes outside the right of way
1 22 in order to obscure the junkyard from the main-traveled way of
1 23 such highways.
1 24 Sec. 4. Section 306C.8, Code 2003, is amended to read as
1 25 follows:
1 26 306C.8 AGREEMENTS WITH THE UNITED STATES AUTHORIZED.
1 27 The department may enter into agreements with the United
1 28 States secretary of transportation as provided by Title 23,
1 29 United States Code, relating to control of junkyards in areas
1 30 adjacent to the interstate ~~and primary systems~~ system, and
1 31 take action in the name of the state to comply with the terms
1 32 of such agreements.
1 33 Sec. 5. Section 306C.10, subsection 13, Code 2003, is
1 34 amended by striking the subsection.
1 35 Sec. 6. Section 306C.22, Code 2003, is repealed.
2 1 DIVISION II
2 2 AVIATION
2 3 Sec. 7. Section 330.2, Code 2003, is repealed.
2 4 Sec. 8. LOAN REPAYMENTS. Moneys repaid on loans made from
2 5 the aviation hangar revolving loan fund shall be credited to
2 6 the state department of transportation and made available to
2 7 support general aviation airports.
2 8 DIVISION III
2 9 MOTOR VEHICLES
2 10 Sec. 9. Section 321.191, subsections 2, 3, and 4, Code
2 11 2003, are amended to read as follows:
2 12 2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a
2 13 noncommercial driver's license, other than a class D driver's
2 14 license or any type of instruction permit, is four dollars per
2 15 year of license validity, except that for licenses issued
2 16 during the period beginning July 1, 2003, and ending June 30,
2 17 2005, the fee is six dollars per year of license validity.

2 18 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial
2 19 class D driver's license is eight dollars per year of license
2 20 validity, except that for licenses issued during the period
2 21 beginning July 1, 2003, and ending June 30, 2005, the fee is
2 22 ten dollars per year of license validity.
2 23 4. COMMERCIAL DRIVER'S LICENSES. The fee for a commercial
2 24 driver's license, other than an instruction permit, for the
2 25 operation of a commercial motor vehicle is eight dollars per
2 26 year of license validity, except that for licenses issued
2 27 during the period beginning July 1, 2003, and ending June 30,
2 28 2005, the fee is ten dollars per year of license validity.
2 29 Sec. 10. NEW SECTION. 321.192 WAIVERS OR REFUNDS OF
2 30 FEES.
2 31 1. Notwithstanding the fee requirements for issuance of a
2 32 driver's license or nonoperator's identification card pursuant
2 33 to section 321.190 or 321.191, the department may waive or
2 34 refund fees pursuant to rules adopted by the department. The
2 35 department may waive payment of, or refund to an applicant,
3 1 all or a portion of the fees for renewal of a license or
3 2 identification card or for a duplicate license or
3 3 identification card if the department determines that the
3 4 service standard for timely issuance has not been met or an
3 5 error on the license or identification card requires the
3 6 applicant to return to the driver's license station. The
3 7 decision of the department not to waive or refund a fee is
3 8 final agency action and not subject to review under chapter
3 9 17A.
3 10 2. Subsection 1 does not apply to licenses or
3 11 identification cards issued by a county pursuant to chapter
3 12 321M.
3 13 Sec. 11. Section 321.449, subsection 1, unnumbered
3 14 paragraph 2, Code 2003, is amended to read as follows:
3 15 The department shall also adopt rules concerning hours of
3 16 service for drivers of vehicles operated intrastate for hire
3 17 and designed to transport seven or more persons, including the
3 18 driver. The rules shall not apply to vehicles offered to the
3 19 public for hire that are used principally in intracity
3 20 operation and that are regulated by local authorities pursuant
3 21 to section 321.236.
3 22 Sec. 12. Section 321.449, subsections 4 and 8, Code 2003,
3 23 are amended to read as follows:
3 24 4. Notwithstanding other provisions of this section, rules
3 25 adopted under this section for drivers of commercial vehicles
3 26 shall not apply to a driver of a commercial vehicle who is
3 27 engaged exclusively in intrastate commerce, when the
3 28 commercial vehicle's gross vehicle weight rating is twenty=six
3 29 thousand pounds or less, unless the vehicle is used to
3 30 transport hazardous materials requiring a placard or if the
3 31 vehicle is designed to transport more than fifteen passengers,
3 32 including the driver. For the purpose of complying with the
3 33 hours of service recordkeeping requirements under 49 C.F.R. }
3 34 395.1(e)(5), a driver's report of daily beginning and ending
3 35 on=duty time submitted to the motor carrier at the end of each
4 1 work week shall be considered acceptable motor carrier time
4 2 records. In addition, rules adopted under this section shall
4 3 not apply to a driver operating intrastate for a farm
4 4 operation as defined in section 352.2, or for an agricultural
4 5 interest when the commercial vehicle is operated between the
4 6 farm as defined in section 352.2 and another farm, between the
4 7 farm and a market for farm products, or between the farm and
4 8 an agribusiness location. A driver or a driver=salesperson
4 9 for a private carrier, who is not for hire and who is engaged
4 10 exclusively in intrastate commerce, may drive twelve hours, be
4 11 on duty sixteen hours in a twenty=four hour period and be on
4 12 duty seventy hours in seven consecutive days or eighty hours
4 13 in eight consecutive days. For=hire drivers who are engaged
4 14 exclusively in intrastate commerce and who operate trucks and
4 15 truck=tractors exclusively for the movement of construction
4 16 materials and equipment to and from construction projects may
4 17 also drive twelve hours, be on duty sixteen hours in a twenty=
4 18 four=hour period, and be on duty seventy hours in seven
4 19 consecutive days or eighty hours in eight consecutive days. A
4 20 driver=salesperson means as defined in 49 C.F.R. } 395.2, as
4 21 adopted by the department by rule.
4 22 8. Rules adopted under this section shall not apply to
4 23 vehicles engaged in intrastate commerce used in combination,
4 24 provided the gross vehicle weight rating of the towing unit is
4 25 ten thousand pounds or less and the gross combination weight
4 26 rating is twenty=six thousand pounds or less.
4 27 Sec. 13. Section 321.450, subsection 4, Code 2003, is
4 28 amended to read as follows:

4 29 4. Notwithstanding other provisions of this section, rules
4 30 adopted under this section shall not apply to a farmer or
4 31 employees of a farmer when transporting an agricultural
4 32 hazardous material, except class 2 material, between the sites
4 33 in the farmer's agricultural operations unless the material is
4 34 being transported on the interstate highway system. As used
4 35 in this subsection, "farmer" means a person engaged in the
5 1 production or raising of crops, poultry, or livestock;
5 2 "farmer" does not include a person who is a commercial
5 3 applicator of agricultural chemicals or fertilizers.
5 4 Sec. 14. The section of this division amending section
5 5 321.191, subsections 2, 3, and 4, Code 2003, is repealed
5 6 effective July 1, 2005, and the Code editor shall return the
5 7 applicable language in those subsections to the language
5 8 contained in the 2003 Iowa Code.

5 9 EXPLANATION

5 10 This bill amends current law relating to highways,
5 11 aviation, and motor vehicle regulation.

5 12 Division I of the bill relates to highways. The bill
5 13 amends Code chapter 306C to eliminate the authority of the
5 14 state department of transportation to regulate junkyards along
5 15 primary highways. The department would continue to regulate
5 16 junkyards along interstate highways in accordance with federal
5 17 law.

5 18 The bill repeals Code section 306C.22, which regulates the
5 19 placement of political signs on private property. Due to a
5 20 federal appeals court decision, the state department of
5 21 transportation has not enforced this Code section since 1998.

5 22 Division II of the bill repeals Code section 330.2, which
5 23 establishes the aviation hangar revolving loan fund.

5 24 Legislation passed in 2002 eliminated the balance of the fund.
5 25 The bill provides that moneys repaid on outstanding loans from
5 26 the fund are to be credited to the state department of
5 27 transportation for support of general aviation airports.

5 28 Division III of the bill contains provisions relating to
5 29 motor vehicle regulation. The bill amends Code section
5 30 321.191 by increasing fees for certain driver's licenses
5 31 issued during the period beginning July 1, 2003, and ending
5 32 June 30, 2005. The fee for a noncommercial driver's license,
5 33 other than a class D license or an instruction permit, is
5 34 temporarily increased from \$4 to \$6 per year of license
5 35 validity. The fee for a noncommercial class D driver's
6 1 license, or chauffeur's license, is temporarily increased from
6 2 \$8 to \$10 per year of license validity. The fee for a
6 3 commercial driver's license, other than an instruction permit,
6 4 is temporarily increased from \$8 to \$10 per year of license
6 5 validity. The temporary fee increases are repealed effective
6 6 July 1, 2005.

6 7 The bill creates new Code section 321.192, which authorizes
6 8 the state department of transportation to waive payment of, or
6 9 to refund, all or a portion of fees for renewal or duplication
6 10 of a driver's license or nonoperator's identification card,
6 11 pursuant to rules adopted by the department, if the
6 12 department's standard for timely issuance is not met, or if an
6 13 applicant is required to return to the driver's license
6 14 station due to an error on the license or identification card.
6 15 The provision is only applicable to licenses and cards issued
6 16 at driver's license stations operated by the department, and
6 17 not to licenses and cards issued by counties under Code
6 18 chapter 321M.

6 19 The bill makes several amendments to Code section 321.449
6 20 affecting motor carrier safety rules adopted by the state
6 21 department of transportation. The bill provides that the
6 22 department's rules concerning hours of service apply only to
6 23 drivers of vehicles operated intrastate for hire and designed
6 24 to transport seven or more persons. The bill exempts from
6 25 motor carrier safety rules drivers operating intrastate for
6 26 farm operations or agricultural interests when the vehicle is
6 27 operated between the farm and another farm, between the farm
6 28 and a market for farm products, or between the farm and an
6 29 agribusiness location. In addition, certain vehicles engaged
6 30 in intrastate commerce and used in combination are exempt from
6 31 the rules.

6 32 The bill amends Code section 321.450 pertaining to
6 33 hazardous materials transportation regulations. Currently,
6 34 farmers and employees of farmers transporting agricultural
6 35 hazardous materials are exempt from rules implementing the
7 1 federal regulations when transporting materials between sites
7 2 in the farmer's agricultural operations, unless the material
7 3 is being transported on the interstate highway system. The
7 4 section is amended to exclude the transportation of class 2

7 5 hazardous materials from that exemption. Class 2 agricultural
7 6 hazardous materials are flammable gas and nonflammable,
7 7 nonpoisonous compressed gas as defined in federal law.
7 8 LSB 1104DP 80
7 9 dea/cf/24.1